

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ADRIAN AGOSTINI, :
: Plaintiff, : 08 Civ 2077
: - against - : **ORDER**
: :
UNITED STATES OF AMERICA, :
: Defendant. :
----- X

VICTOR MARRERO, United States District Judge.

By Decision and Order dated February 27, 2008 the Court directed the Clerk of Court to enter judgment in Docket No. 08 Civ. 1196 denying the motion of defendant Adrian Agostini ("Agostini") to vacate, set aside or correct sentence pursuant to 28 U.S.C. § 2255 and to close that case and remove it from the Court's docket. The Docket Sheet (Docket No. 2) indicates that the case was terminated on February 27, 2008. A review of the motion filed by Agostini and assigned a new Docket Number (08 Civ. 2077) indicates that Agostini's papers relate to the same motion the Court denied sua sponte in Docket No. 08 Civ. 1196 and that there is nothing in these papers that warrants reconsideration and reopening of that case. Accordingly, it is hereby

ORDERED that for the reasons stated in the Court's Order dated February 27, 2008 in Docket No. 08 Civ. 1196 the Clerk of Court is directed to reject the motion erroneously assigned and filed as the captioned action, to file the motion in the docket of 08 Civ. 1196,

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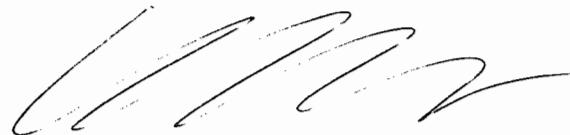
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and to close Docket No. 08 Civ. 2077 and remove it from the Court's list of pending cases as a separate action.

SO ORDERED.

Dated: New York, New York
26 March 2008



VICTOR MARRERO
U.S.D.J.